

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINE OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/783,886	02/14/2001	Dan Kikinis	004688.P010	3801

33448 7590 09/10/2004

ROBERT J. DEPKE LEWIS T. STEADMAN
HOLLAND & KNIGHT LLC
131 SOUTH DEARBORN
30TH FLOOR
CHICAGO, IL 60603

EXAMINER

MUHEBBULLAH, SAJEDA

ART UNIT	PAPER NUMBER
----------	--------------

2174

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/783,886	KIKINIS ET AL.	
	Examiner	Art Unit	
	Sajeda Muhebbullah	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/30/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is responsive to Amendment filed 4/30/2004.
2. Claims 1-15 are pending in this application. Claims 1, 3, 12, and 14 are independent claims. In the Amendment, claims 1-3, 5, 8, 10-12, and 14 were amended. This action is made Final.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1, 3, 12, and 14 recite the limitation "the corresponding underlying data" in lines 7, 12, 10-11, and 11-12 respectively. Claims 3, 12, and 14 recite the limitation "the desired day" in lines 14, 12, and 13 respectively. Claim 12 recites the limitation "the user input device" in line 10.

There are insufficient antecedent basis for these limitations in the claims. Appropriate corrections are required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-4 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM Technical Disclosure Bulletin ("IBM", *New method of Setting Time by One Mouse Operation*, vol. 40, No. 03, Liar. 1997) in view of Hama et al. ("Hama", US 6,230,323).

As per independent claim 1, IBM teaches a method for inputting time in a video environment, comprising:

displaying an analog-type mechanism having at least an hour hand grab mechanism (IBM, Fig. 1),

wherein the hour hand grab mechanism may be used to set a desired hour (IBM, Fig. 2; Paragraph 1).

However, IBM does not teach the method wherein the corresponding underlying data which is displayed in an electronic program guide changes as the user changes a position of the hour hand grab mechanism. Hama teaches a video environment wherein the user can set the time at which the program guide is displayed in an analog manner (col.3, lines 26-42). It would have been obvious to one of ordinary skill at the time of the invention to include Hama's teaching with IBM's method in order to provide a faster method of displaying EPG.

As per claim 2, IBM teaches the method wherein displaying an analog-type time mechanism, further comprises displaying a first analog-type time mechanism having the hour hand grab mechanism; and displaying a second analog-type time mechanism having a minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 3, IBM teaches a device for inputting time in a video environment, comprising:

an analog-type mechanism having an hour hand grab mechanism connected to an hour hand and a minute hand grab mechanism connected to a minute hand,

wherein the hour hand grab mechanism may be used to set a desired hour, and

wherein the minute hand grab mechanism may be used to set a desired minute;

a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

However, IBM does not teach the device wherein the corresponding underlying data which is displayed in an electronic program guide changes as the desired hour, the desired minute, and/or the desired day or evening is set. Hama teaches a video environment wherein the user can set the time at which the program guide is displayed in an analog manner (col.3, lines 26-42). It would have been obvious to one of ordinary skill at the time of the invention to include Hama's teaching with IBM's method in order to provide a faster method of displaying EPG.

As per claim 4, IBM teaches the device wherein the analog-type time mechanism, further comprises a first analog-type time mechanism having the hour hand grab mechanism; and a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 12, IBM teaches a system for inputting time in a video environment, comprising:

means for displaying an analog-type mechanism having an hour hand grab mechanism and a minute hand grab mechanism,

wherein the hour hand grab mechanism may be used to set a desired hour, and

wherein the minute hand grab mechanism may be used to set a desired minute; and

means for displaying a day/evening selector, wherein day or evening may be selected with the user input device (IBM, Figs. 1-2).

However, IBM does not teach the system wherein the corresponding underlying data which is displayed in an electronic program guide changes as the desired hour, the desired minute, and/or the desired day or evening is changed. Hama teaches a video environment wherein the user can set the time at which the program guide is displayed in an analog manner (col.3, lines 26-42). It would have been obvious to one of ordinary skill at the time of the invention to include Hama's teaching with IBM's method in order to provide a faster method of displaying EPG.

As per claim 13, IBM teaches the system wherein means for displaying an analog-type time mechanism, further comprises means for displaying a first analog-type time mechanism having the hour hand grab mechanism; and means for displaying a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

As per independent claim 14, IBM teaches a computer-readable medium having stored thereon a plurality of instructions for inputting time in a video environment, said plurality of instructions when executed by a computer, cause said computer to perform:

displaying an analog-type mechanism having an hour hand grab mechanism and a minute hand grab mechanism,

wherein the hour hand grab mechanism may be used to set a desired hour, and

wherein the minute hand grab mechanism may be used to set a desired minute; and

displaying a day/evening selector, wherein day or evening may be selected (IBM, Figs. 1-2).

However, IBM does not teach the medium wherein the corresponding underlying data which is displayed in an electronic program guide changes as the desired hour, the desired minute, and/or the desired day or evening is set. Hama teaches a video environment wherein the user can set the time at which the program guide is displayed in an analog manner (col.3, lines 26-42). It would have been obvious to one of ordinary skill at the time of the invention to include Hama's teaching with IBM's method in order to provide a faster method of displaying EPG.

As per claim 15, IBM teaches the computer-readable medium having stored thereon additional instructions, said additional instructions when executed by a computer, cause said computer to further perform: displaying a first analog-type time mechanism having the hour hand grab mechanism; and displaying a second analog-type time mechanism having the minute hand grab mechanism (IBM, Figs. 1-2).

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM and Hama in view of Cash ("Cash", US# 4,759,002).

As per claim 5, IBM teaches an analog dock system with a day and night selector as described above. IBM does not teach the day and night selections being indicated by a sun and moon respectively. Cash teaches an analog clock including a dial with a sun and moon to designate the day and night hours (Cash, Figs. 1-4; col. 1, lines 49-64). The dial is used in telling time as well as for setting time. It would have been obvious to one skilled in the art at the time of invention to use the sun and moon depictions of Cash in the device of IBM and Hama because they would provide a more easily distinguishable way in which to set the accurate time.

As per claim 6, IBM does not teach the device wherein the hour hand moves towards a next hour marking when the minute hand is pulled. OFFICIAL NOTICE is taken that the relationship exhibited between movement of the minute and hour hands on a clock is well known in the clock art. It would have been obvious to one skilled in the art at the time of invention to incorporate the movement relationship into the clock representation of IBM, Hama and Cash because it would more accurately model its physical analogue.

8. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over IBM and Hama in view of Cash as applied to claims 5 and 6 above, and further in view of Horzick ("Horzick", US 3,803,831).

As per claim 7, the invention of IBM and Hama in view of Cash does not teach the device wherein the analog-time mechanism is divided into a neutral region, a minute region, and an hour region, wherein each region has an associated color, wherein the hour region is between a twelve position and the hour hand, wherein the minute region is between the twelve position and the minute hand, but does not include the hour region, and wherein the neutral region does not include the hour region and the minute region. Horzick teaches a visual indication apparatus with rotatable discs. Horzick further teaches a plurality of discs rotating in relation to one another causing a continually expanding zone of color (Horzick, col. 1, lines 52-57). Furthermore, Horzick teaches using these several discs as minute, hour, and second indications as in a clock (Horzick, col. 1, lines 57-62). Accordingly, as the discs rotate they provide three distinct regions which, in a clock system, relate to an hour region, a minute region, and a neutral region, each of which are mutually exclusive (Horzick, Fig. 1). It would have been obvious to one skilled in the art at the time of invention to use the color/region system of Horzick in the analog clock system

of IBM, Hama and Cash because it would provide an improved visual indicator apparatus for a timepiece which an immediate and accurate indication of time at a glance (Horzick, col. 1, lines 32-35).

As per claim 8, IBM further teaches the use of a mouse to set both the time and minute in the analog clock system (IBM, Paragraph 1).

As per claim 9, Horzick further teaches the device wherein the first and second analog-type mechanisms include an indicator to indicate if the first or second mechanism is active by the changing size and color of the regions representing the hours, minutes, and seconds (Horzick, col. 1, lines 52-62).

As per claim 10, Horzick further teaches the device wherein the indicator comprises a halo, a blinking effect, a cursor, or a changing color effect (Horzick, col. 1, lines 52-62).

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over IBM, Hama, Cash, and Horzick as applied to claims 7-10 above, and further in view of Jackson ("Jackson", US 4,081,754).

As per claim 11, the invention of IBM, Hama, Cash, and Horzick does not teach the device wherein the device is used for inputting program preview times, program end times, program start recording times, and/or program end recording times. Jackson teaches an analog type clock system that can be used to turn a video system on or off as well as record programs (Jackson, col. 6, lines 65-68 and col. 7, lines 1-10). It would have been obvious to one skilled in the art at the time of invention to use the analog television recording time system of Jackson in the analog clock system of IBM, Hama, Cash, and Horzick because it would provide the user with immediate feedback with regards to the times being set.

Response to Arguments

10. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Communications

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajeda Muhebbullah whose telephone number is **(703) 305-0720** (*note after Oct. 20th number will be changed to (571) 272-4065*). The examiner can normally be reached on Tuesday/Thursday from 8:00 am to 4:30 pm (EST) and on alternate Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640 (*note after Oct. 20th number will be changed to (571) 272-4063*).

The fax number for the organization where this application or proceeding is assigned are as follows:

(703) 746-7238 [After Final Communication]

(703) 872-9306 [Official Communication]

(703) 746-9915 [For status inquiries, Draft Communication]

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Sajeda Muhebbullah
Patent Examiner
September 1, 2004

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100